REMARKS

Claims 28 to 68, are pending in this application of which, claims 28, 45 and 56 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Claims 59 to 63 were objected to for depending on cancelled claim 1. Based on the foregoing claim amendments, Applicants respectfully request withdrawal of the claim objections.

Claims 28 to 68 were rejected under 35 U.S.C. § 103(a) as being obvious over Markson et al. (U.S. Patent Number 6,714,980, filed March 22, 2002, hereinafter "Markson1") in view of Markson et al (U.S. Patent Publication Number 20020103889, filed June 19, 2001, hereinafter "Markson2"). Markson1 and Markson2 are each a continuation-in-part of Patent Application Serial Number 09/502,170, filed on February 11, 2000, now US Patent No. 6,779,016 (hereinafter "Parent Application").

Applicants submit that Markson1 should be withdrawn because the Examiner has relied on portions of Markson1 that were not part of the Parent Application, but rather the portions of Markson1 relied on by the Examiner represent new material. In particular, the Examiner has cited column 5, line 64 to column 6, line 4; column 2, lines 40 to 50; and column 4, lines 51 to 53 of Markson1. As understood by Applicants, none of these cited sections of Markson1 appear in the Parent Application. Therefore, since Applicants filed their Application before March 22, 2002, Applicants respectfully request that Markson1 be withdrawn.

Moreover, the cited art should be withdrawn for at least the reasons below.

Claim 28 is directed to a method for managing data that may be replicated from one or more volumes of data that are part of a first volume group on a first computer system having a first operating system. The method includes the computer-executed steps of discovering logical information related to the one or more volumes of data that are part of the first volume group on the first computer system and creating a map of the logical information to physical devices on the first computer system. The map includes information identifying one or more devices associated with one or more physical volumes containing the data and information providing definition and structured layout of volume groups, internal logical volumes and file systems on the first computer system. The method also includes using the map to create a second volume group on a second computer system having a second operating system, where the logical configuration of the second volume group is substantially identical to the logical configuration of the first volume group, and using the map to reconstruct on the second computer system the internal logical volumes and file systems of the first computer system and mount a duplicate of the one or more volumes of data on the second computer system.

The applied art is not understood to disclose or to suggest the foregoing features of claim 28. In particular, neither Markson1 nor Markson2 disclose or suggest using the map to reconstruct on the second computer system the internal logical volumes and file systems of the first computer system and mount a duplicate of the one or more volumes of data on the second computer system.

Markson1 is directed to back up and restore of data (see Abstract of Markson1). However, Markson1 does not disclose or suggest mapping much less using the map to

Applicants : Wright et al.
Serial No. : 09/894,422
Filed : June 28, 2001
Page : 16 of 18

Attorney's Docket No.: EMC-038PUS

reconstruct on the second computer system the internal logical volumes and file systems of the

first computer system and mount a duplicate of the one or more volumes of data on the second

computer system. Applicants further acknowledge the Examiner's indication that Markson1

does not show mapping (see page 3 of the Office Action).

To make up for the deficiencies in Markson1, the Examiner has cited Markson2.

Markson2 is directed to a method for selectively and logically adding storage to host features

dynamically by mapping one or more disk volumes to the host using a storage virtualization

layer (emphasis added, see Abstract of Markson2). As shown in FIG. 2C, Markson2 focuses on

increasing storage capacity. Markson2 does not disclose or suggest using the mapping to

duplicate volumes of data; but rather, Markson2 is mapping new storage with empty volume

locations for new data. The Examiner has cited paragraphs [0017] and [0084] to [0086] of

Markson2 for support; however, none of these cited paragraphs disclose or suggest duplicating

much less using the map to reconstruct on the second computer system the internal logical

volumes and file systems of the first computer system and mount a duplicate of the one or more

volumes of data on the second computer system (emphasis added).

Accordingly, for at least the reasons indicated above, even if Markson1 were combined

with Markson2, the resulting hypothetical combination would not disclose or suggest using the

map to reconstruct on the second computer system the internal logical volumes and file systems

of the first computer system and mount a duplicate of the one or more volumes of data on the

second computer system. Applicants respectfully submit that the Markson1 and Markson2

references should be withdrawn with respect to claim 28.

Applicants : Wright et al.
Serial No. : 09/894,422
Filed : June 28, 2001
Page : 17 of 18

Attorney's Docket No.: EMC-038PUS

Independent claims 45 and 56 having corresponding features to claim 28. Applicants submit that the Markson1 and the Markson2 references should also be withdrawn with respect to claims 45 and 56 for at least the same reasons as claim 28.

Applicants submit that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

All correspondence should be directed to the address below. Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 23.
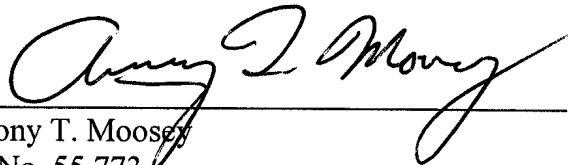
Applicants : Wright et al.
Serial No. : 09/894,422
Filed : June 28, 2001
Page : 18 of 18

Attorney's Docket No.: EMC-038PUS

No fee is believed to be due for this Response; however, if any fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: EMC-038PUS.

Respectfully submitted,

Date: April 5, 2007

Anthony T. Moose
Reg. No. 55,773

Daly, Crowley, Mofford & Durkee, LLP
354A Turnpike Street - Suite 301A
Canton, MA 02021-2714
Telephone: (781) 401-9988 ext. 23
Facsimile: (781) 401-9966